

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, SEPTEMBER 9, 2002
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 2:05 p.m.

Mayor Murphy introduced and welcomed to San Diego the Honorable Zhong Jianhua, Consul General of the People's Republic of China, his wife Mrs. Lu Qingjiang, and his Consul Mr. Lai Bo, Mr. Diao Min, Mr. Li Yaosheng, and Mr. Yang Yinfu. Mayor Murphy expressed that he hoped the Honorable Mr. Jianhua enjoyed his new post in Southern California and that it would strengthen the bond of goodwill and friendship with Los Angeles. Mayor Murphy and Council wished that their stay in San Diego would be an enjoyable one.

Mayor Murphy adjourned the meeting at 3:30 p.m. into Closed Session at 9:00 a.m. on Tuesday, September 10, 2002, in the twelfth floor conference room to discuss existing and anticipated litigation.

ATTENDANCE DURING THE MEETING:

(M) Mayor Murphy-present

(1) Council Member Peters-Excused By R-297214 (Attended Coastal Commission Meeting)

(2) Council Member Wear-present

(3) Council Member Atkins-present

(4) Council Member Stevens-present

(5) Council Member Maienschein-present

(6) Council Member Frye-Excused by Resolution R-297144 (no reason given)

(7) Council Member Madaffer-present

(8) Council Member Inzunza-present

Clerk-Abdelnour (gs)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-not present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-not present
- (6) Council Member Frye-not present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

ITEM-10: INVOCATION

Invocation was given by Pastor Warren Naegele of the Holy Cross Lutheran Church.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by City Attorney Casey Gwinn.

ITEM-30: Patriot Day.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-310) ADOPTED AS RESOLUTION R-297023

Proclaiming September 11, 2002 to be "Patriot Day" in the City of San Diego and encouraging the people of San Diego to observe a moment of silence on Patriot Day in honor of the individuals who lost their lives as a result of the terrorist attacks against the United States that occurred on September 11, 2001.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A319-376.)

MOTION BY MAINSCHEIN TO ADOPT. Second by Stevens. Passed by the following vote: Peters-not present, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-31: San Diego Blood Bank Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-114) ADOPTED AS RESOLUTION R-297024

Commending the San Diego Blood Bank for its outstanding efforts, and supporting and encouraging the mission and goals of the San Diego Blood Bank;

Recognizing the accomplishments of the San Diego Blood Bank for improving the lives of the people of New York City;

Proclaiming September 9, 2002 to be "San Diego Blood Bank Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A132-256.)

MOTION BY ATKINS TO ADOPT. Second by Wear. Passed by the following vote:
Peters-not present, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-not
present, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-32: Reverend James Linzie Whitmill Day.

DEPUTY MAYOR STEVENS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-262) ADOPTED AS RESOLUTION R-297025

Commending Reverend James Linzie Whitmill for his service and contributions to
the City of San Diego;

Proclaiming September 9, 2002 to be "Reverend James Linzie Whitmill Day" in
the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A257-316.)

MOTION BY STEVENS TO ADOPT. Second by Wear. Passed by the following vote:
Peters-not present, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-not
present, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-100: Two actions related to Inviting Bids and Award of Contract for Sewer
Replacement Group 707.

(See memorandum from Frank Belock, Jr. dated 5/02/2002. Kensington
Community Area. District-3.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2003-98) ADOPTED AS RESOLUTION R-297026

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of Sewer Replacement Group 707 on Work Order No. 175431;

Authorizing the City Manager to execute a contract with the lowest responsible and reliable bidder, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the expenditure of not to exceed \$2,957,358.83 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, for the purpose of providing funds for said project and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for such expenditure are or will be on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.
(BID-K03003C)

Subitem-B: (R-2003-99) ADOPTED AS RESOLUTION R-297027

Certifying that the information contained in Mitigated Negative Declaration LDR-41-0834, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and that said Declaration reflects the independent judgement of the City as Lead Agency and that the information contained, together with any comments received during the public review process, has been reviewed and considered by the Council in connection with approval of construction of Sewer Replacement Group 707;

Declaring that the Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and approving the said Mitigated Negative Declaration;

Approving LDR-41-0834 and adopting Mitigation Monitoring and Reporting Program;

Directing the City Clerk to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 5/15/2002, NR&C voted 4 to 0 to approve. (Councilmembers Peters, Wear, Frye, and Madaffer voted yea. Councilmember Inzunza not present.)

CITY MANAGER SUPPORTING INFORMATION:

Sewer Group 707 is part of the City of San Diego's continuing Annual Sewer Main Replacement Program. This project, in the Kensington community area, consists of replacement of approximately 5,533 feet (1.05 miles) of 8-inch sewer main of which 2,149 feet (0.41 miles) are concrete pipe, abandonment of 1,792 feet (0.34 miles) of 6-inch sewer main of which 1,455 feet (0.275 miles) are concrete pipe in easements between private properties. Also, this project includes the construction of 14 pedestrian ramps and resurfacing of the impacted streets.

Streets affected by construction in the project area are: Adams Avenue, Biona Drive, Vista Street, Marlborough Drive, Park Place, Madison Avenue, and Copeland Avenue as well as alleys in the City block between Terrace Drive and Kensington Drive and the City block between Kensington Drive and Marlborough Drive. Residents will be notified by mail at least one month before construction begins by the City's Engineering and Capital Projects Department and again 10 days before construction begins by the contractor through hand distribution.

During design, the project manager and project engineer attended two community meetings and one meeting with business owners (BID). The project manager and project engineer will attend one or more additional community meetings as requested by the community; the resident engineer and contractor will attend one final community meeting.

The contractor will be required to provide traffic control plans for the entire project area with the exception of Adams Avenue to the City of San Diego's Traffic Signal and Traffic Control Section for approval. Traffic control plans for Adams Avenue have been developed and were approved by the City of San Diego's Traffic Signal Design and Traffic Control Section and will be provided to the contractor as part of the construction plans for Sewer and Water Group 707.

FISCAL IMPACT:

The total estimated cost of this project is \$2,957,358.83. Funds of \$2,957,358.83 are available in Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement for this purpose. This project is scheduled to be phase funded over FY 2003 to FY 2004.

Loveland/Belock/HR

WWF-02-589.

FILE LOCATION: SUBITEMS A & B: W.O. 175431

COUNCIL ACTION: (Tape location: A380-492.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-not present, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-101: General Requirements Contract 2002 C-Mechanical Systems - Inviting Bids and Award of Contract.

(See memorandum from Scott Tulloch dated 4/24/2002.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-224) ADOPTED AS RESOLUTION R-297028

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of General Requirements Contract 2002 C-Mechanical Systems Contract on Work Order No. 461190;

Authorizing the City Manager to execute a contract with the lowest responsible and reliable bidder for as needed construction services for a \$50,000 minimum, not to exceed the value of \$3,000,000 and a contract duration of two years, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the expenditure of an amount not to exceed \$3,000,000 from Fund Nos. 41506 and 41508, to provide funds for the General Requirements Contract 2002 C-Mechanical Systems, and related contingencies, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.
(BID-K02116)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 5/01/2002, NR&C voted 5 to 0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer, and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

For the last seven years, the City has successfully entered into General Requirements Contracts, formerly referred to as Job Order Contracts (JOC) with various contractors. The main objective of the General Requirements Contract is to execute maintenance, repair, and repetitive work and small, straightforward general engineering construction projects.

MWWD presently has a JOC contract for an amount up to \$8,000,000. This contractor has completed \$1.7 million of work to date, however, due to current concerns with the performance of this General Requirements Contractor, MWWD is closing out this contract and is seeking approval to advertise and award three new contracts. It is recommended that, instead of issuing one large \$8 million contract for a broad range of engineering specialties, the contract be broken into three separate packages: 2002A - General Engineering; 2002B - Building Modifications, and 2002C - Mechanical Systems. This action is for approval to advertise and award the General Requirements Contract 2002C - Mechanical Systems in an amount not to exceed \$3,000,000.

Each General Requirements Contract is competitively procured. The contractor bids a factor or multiplier which is applied to all of the unit prices in a unit price book, which is part of the contract documents. The contractor with the lowest factor and a responsive, responsible bid is awarded the contract. The City is under no obligation to pay the contractor any more than a \$50,000 minimum contract obligation, and, therefore the contractor has an incentive to deliver quality work in a timely fashion in order to get additional work.

The specific tasks to be executed under this contract have not been identified. All tasks are executed in accordance with the California "Subletting and Subcontracting Fair Practices Act" (Public Contract Code Section 4100 ET AL). Under this contracting system, a contractor that conducts or participates in bid shopping or bid peddling shall not receive any additional tasks

under this contract and such conduct shall be grounds for default by the City. The continuation of the General Requirements Contract will enable the Metropolitan Wastewater Department to achieve its objective of rapidly engaging contractors in critical and necessary work while lowering costs.

FISCAL IMPACT:

The total amount authorized to expend is \$3,000,000. Funds for this purpose are available in the Fiscal Year 2003 Budget.

Mendes/Tulloch/LS

Aud. Cert. 2201170.

FILE LOCATION: W. O. 461190

COUNCIL ACTION: (Tape location: A380-492.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-not present, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-102: Advertise and Award of General Requirements Contract 2002 B - Building Modifications.

(See memorandum from Scott Tulloch dated 4/24/2002.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-223) ADOPTED AS RESOLUTION R-297029

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for General Requirement Contract 2002 B - Building Modifications Contract, on Job Order No. 461190;

Authorizing the City Manager to execute a contract with the lowest responsible and reliable bidder for as-needed construction services for a \$50,000 minimum, not to exceed the value of \$2,000,000 and a contract duration of two years, provided that the City Auditor and Comptroller first furnishes a certificate

demonstrating that the funds necessary for expenditure under the contracts are, or will be, on deposit in the City Treasury;

Authorizing the expenditure of an amount not to exceed \$2,000,000 from Fund Nos. 41506 and 41508 to provide funds for the General Requirements Contract 2002 B - Building Modifications, and related contingencies, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves on advice of the administering department.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 5/1/2002, NR&C voted 5 to 0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

For the last seven years, the City has successfully entered into General Requirements Contracts, formerly referred to as Job Order Contracts (JOC) with various contractors. The main objective of the General Requirements Contract is to execute maintenance, repair, and repetitive work and small, straightforward general engineering construction projects.

MWWD presently has a JOC contract for an amount up to \$8,000,000. This contractor has completed \$1.7 million of work to date, however, due to current concerns with the performance of this General Requirements Contractor, MWWD is closing out this contract and is seeking approval to advertise and award three new contracts. It is recommended that, instead of issuing one large \$8 million contract for a broad range of engineering specialities, the contract be broken into three separate packages: 2002A - General Engineering, 2002B - Building Modifications, and 2002C - Mechanical Systems. This action is for approval to advertise and award the General Requirements Contract 2002B - Building Modifications in an amount not to exceed \$2,000,000.

Each General Requirements Contract is competitively procured. The contractor bids a factor or multiplier which is applied to all of the unit prices in a unit price book, which is part of the contract documents. The contractor with the lowest factor and a responsive, responsible bid is awarded the contract. The City is under no obligation to pay the contractor any more than a \$50,000 minimum contract obligation, and, therefore the contractor has an incentive to deliver quality work in a timely fashion in order to get additional work.

The specific tasks to be executed under this contract have not been identified. All tasks are executed in accordance with the California "Subletting and Subcontracting Fair Practices Act" (Public Contract Code Section 41 00 ET AL). Under this contracting system, a contractor that

conducts or participates in bid shopping or bid peddling shall not receive any additional tasks under this contract and such conduct shall be grounds for default by the City. The continuation of the General Requirements Contract will enable the Metropolitan Wastewater Department to achieve its objective of rapidly engaging contractors in critical and necessary work while lowering costs.

FISCAL IMPACT:

The total authorized to expend is \$2,000,000. Funds for this purpose are available in the Fiscal Year 2003 Budget.

Mendes/Tulloch/LS

Aud. Cert. 2201172.

FILE LOCATION: W. O. 461190

COUNCIL ACTION: (Tape location: A429-546.)

MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-not present, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-103: Agreement with M. J. Schiff & Associates, Inc. for corrosion Engineering Consulting Services.

(See memorandum from Larry Gardner dated 7/25/2002.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-82) ADOPTED AS RESOLUTION R-297030

Authorizing the City Manager to enter into agreement with M.J. Schiff & Associates, Inc., to provide corrosion engineering consulting services for City projects;

Authorizing the expenditure of an amount not to exceed \$400,000 from Water Revenue Fund 41500.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 7/31/2002, NR&C voted 4 to 0 to approve. (Councilmembers Wear, Frye, Madaffer and Inzunza voted yea. Councilmember Peters not present.)

CITY MANAGER SUPPORTING INFORMATION:

The Water Department Corrosion Control Section is dedicated to developing, operating and maintaining systems that protect our facilities against the harmful affects of corrosion. If unchecked, corrosion to the City's underground pipelines, reservoirs, and treatment plants can result in premature costs of millions of dollars to replace these facilities. The Corrosion Control Section is focused primarily on the operation and maintenance of existing corrosion control systems, and with documenting main breaks on 16-inch and larger diameter pipelines. The Water Department has identified a need for services of a qualified corrosion engineering consultant to augment existing staffing and resources.

The ability for augmentation when needed will greatly enhance corrosion control capabilities including planning, design, construction, operation, maintenance and monitoring of facilities. The services will also be available when needed to assist the Capital Improvement Program (CIP) with prioritizing preventive and corrective maintenance measures. Corrosion control will extend the life of our water facilities and defer the need for some future capital improvements.

Tasks for the corrosion consultant include but are not limited to: corrosion testing, inspection services, design and analysis, and general corrosion engineering services.

To select the consultant, the City Consultant Selection Process was used to develop a short list of three qualified consulting firms. On April 17, 2002, a Selection Panel convened and interviewed the three firms. Firms were evaluated on a weighted basis of qualifications including expertise, experience, understanding and approach to the scope of services, and the capability of personnel and subcontractors. Based upon the results of these interviews and subsequent reference checks, M. J. Schiff & Associates, Inc. was recommended, and selected as the most qualified to provide corrosion engineering consulting services.

Task orders will be negotiated and issued when appropriate for Operations or CIP projects as identified by the Water Department. The Project Manager will initiate a written task order which will describe the specific scope, schedule and compensation for the task. Each task order will be subject to the terms, conditions and fee schedule included in this Agreement. Specific funding will be identified and task orders will be approved and signed by a Deputy Director before the Consultant may proceed with the task.

FISCAL IMPACT:

Funding is available from Water Department Fund 41500 in the amount of \$400,000.

Mendes/Gardener/MJN

Aud. Cert. 2300169.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A380-492.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-not present, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-yea, Frye-not present, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-104: Planning and Design Agreement for Specific Canyon Trunk Sewers Group II.

(See memorandum from Scott Tulloch dated 7/24/2002. Scripps Miramar, Navajo, Serra Mesa Community Areas. Districts-6 and 7.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-268) ADOPTED AS RESOLUTION R-297031

Authorizing the City Manager to execute an agreement not to exceed \$2,351,534 with Kennedy/Jenks Consultants, for Planning and Design of Specific Canyon Trunk Sewers Group II;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$1,500,000 from Sewer Fund 41506, CIP-46-506.0, Pipeline Rehabilitation in the R.O.W. - Phase A to Fund 41506, CIP-46-194.0, Annual Allocation - Trunk Sewer Rehabilitation;

Authorizing the expenditure of an amount not to exceed \$2,351,534 from Fund 41506, CIP-46-194.0, Annual Allocation - Trunk Sewer Rehabilitations, for funding the agreement in the following manner:

FY2003 appropriations \$1,575,528;
FY2004 appropriations \$776,006, contingent upon the approval of
the FY2004 operating budget, and provided
the City Auditor and Comptroller first
furnishes a certificate demonstrating that the
funds necessary for expenditure are, or will
be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if
any, to the appropriate reserves on advice of the administering department.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 7/31/2002, NR&C voted 4 to 0 to approve. (Councilmembers Wear, Frye, Madaffer and
Inzunza voted yea. Councilmember Peters not present.)

CITY MANAGER SUPPORTING INFORMATION:

This agreement provides a Pre-Design Study, replacement/relocation design, geotechnical,
environmental engineering, landscaping, and construction support for the Specific Canyon Trunk
Sewers Phase II Project, which consist of trunk sewer at USIU, Lake Murray and Mission Village
Trunk Sewers. A preliminary report prepared by the MWWd shows that these sewers have
reached their flow capacities and / or are deteriorated, and do not meet current City standards for
trunk sewers.

The scope of work includes the environmental, geotechnical, and cultural examination of the
project, site investigation, preparation of a pre-design report, environmental restoration design,
trunk sewers replacements design, and construction support. Also, the design team will explore a
number of alternatives to determine if it is economically feasible to re-route the trunk sewers away
from the canyon.

The Consultant nominating committee nominated the six most qualified consulting firms to
participate in the final selection process. In conformance with Council Policy 300-7, these firms
were interviewed and the firm of Kennedy/Jenks Consultant was selected as the best qualified firm
to provide the design services. The subconsultants on this project are Advanced Infrastructure
Systems, Garbini & Garbini Landscape Architecture, Terra Costa Consulting Group, Leighton &
Associates, Linscott Law & Greenspan, and TSA. Several community meetings are anticipated
throughout the design phase.

FISCAL IMPACT:

The total consultant agreement cost is \$2,351,534 of which \$1,575,528 is FY03. Funds are available in Sewer Fund 41506, CIP-46-194.0 Annual Allocation Trunk Sewer Rehabilitations.

Mendes/Tulloch/JMM

Aud. Cert. 2300198.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A380-492.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-not present, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-105: Planning and Design Agreement with Kennedy/Jenks Consultants for Sewer and Water Group Jobs.

(See memorandum from Frank Belock dated 6/13/2002.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-39) ADOPTED AS RESOLUTION R-297032

Authorizing the City Manager to execute an agreement with Kennedy/Jenks Consultants for engineering services for the Design of Sewer and Water Projects [Agreement], in an amount not to exceed \$2,000,000;

Authorizing the expenditure of an amount not to exceed \$300,000 from Water Fund 41500, and an amount not to exceed \$1,700,000 from Sewer Fund 41506, for the purpose of providing funds for the Agreement;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, to the appropriate reserves.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 6/26/2002, NR&C voted 4 to 0 to approve the project and direct staff to review bids starting from July 1, 1999 to the present, and conduct an analysis/breakdown of all costs associated with CIP projects. (Councilmembers Wear, Frye, Madaffer, and Inzunza voted yea. Councilmember Peters not present.)

CITY MANAGER SUPPORTING INFORMATION:

In an effort to support the increase rate of replacement of the City's aging sewer lines, it was anticipated that the use of consultant services would be needed. On August 24, 2001, the City Consultant Services Coordinator advertised for engineering consulting firms to provide planning and design services for various sewer and water group jobs.

The advertisement had been placed in the San Diego Daily Transcript, Voice and Viewpoint Journal, Asian Journal, La Prensa San Diego, Integrated Marketing Systems, and City of San Diego Web Page/Public Notice. Twenty-four (24) firms responded and on October 25, 2002, the Consultant Nominating Committee nominated the most qualified seventeen (17) engineering consulting firms to participate in the selection process. In conformance with Council Policy 300-7, these firms were interviewed and Kennedy/ Jenks Consultants was selected as one of the firms to provide the two (2) years of consulting services.

Engineering services required of the Consultant include preparing planning and design packages, responding to design related questions during bidding, reviewing contractor's submittals, and preparing "As-built" drawings. These consultant services are required in order to meet the anticipated planning and design needs for the expanded sewer main replacement program. The sub-consultants anticipated to be utilized for this work are: Advanced Infrastructure Systems, Allied Geotechnical Engineers, Inc., DEC Consultants, Inc., DYE Surveying, Inc., Helix Environmental Planning, Inc., Katz & Associates, and Linscott, Law & Greenspan, Engineers.

This Agreement provides for planning and design of sewer and water group jobs by task on an hourly basis such that the fee for an individual project does not exceed \$200,000 per task and is within the standards and norms of the industry. The total contract cost shall not exceed \$2,000,000 for a period of two (2) years (from the date of execution by the City) or the completion of the last authorized task.

FISCAL IMPACT:

The total estimated cost of this Agreement is \$2,000,000. Funding of \$300,000 is available from Water Fund 41500 and \$1,700,000 from Sewer Fund 41506 for this purpose.

Loveland/Belock/HR

Aud. Cert. 2300016.

WWF-02-594.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A380-492.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-not present, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-106: Local Law Enforcement Block Grant - FY2002/2003.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-270) ADOPTED AS RESOLUTION R-297033

Authorizing the Chief of Police to apply for, accept and expend block grant funds for the Local Law Enforcement Block Grant (LLEBG);

Authorizing the Chief of Police to execute all aspects of program operation, including any amendments, extensions, or renewals, for a period of up to five years, provided funding is made available by the U.S. Department of Justice, and to certify that the City will comply with all applicable statutory or regulatory requirements related to the program;

Authorizing the City Auditor and the City Treasurer to transfer \$675,000 from the grant funds to the County of San Diego, to be used for the purpose of Drug Courts and/or other authorized purposes;

Authorizing the Chief of Police to commit the required matching funds in compliance with the requirements of the Local Law Enforcement Block Grant program.

CITY MANAGER SUPPORTING INFORMATION:

The Local Law Enforcement Block Grant (LLEBG) is appropriated from funding authorized by the Crime Control and Law Enforcement Act of 1994, and is administered by the U.S.

Department of Justice, Bureau of Justice Assistance. Grant amounts are determined based on jurisdiction population and crime index.

There is no application other than the attached one-page form, which is submitted electronically. The grant does not require a specific program, timeline, evaluation or budget.

SDPD has agreed to a County of San Diego request to transfer \$675,000 of these grant funds to the County to assist in funding the Drug Court program. The balance of funds will be used for police automation, vehicle, safety, forensic, training, and miscellaneous equipment, maintenance and resources as needs are identified. Expenditures will contribute to the safety and efficiency of law enforcement and crime prevention services throughout San Diego.

FISCAL IMPACT:

Funded by the Crime Act of 1994, and administered by the U.S. Department of Justice, Bureau of Justice Assistance, the grant provides federal funds of \$1,860,804. It requires a cash match of \$206,756, which will be met from the Police Department's budget. Funds for this match are included in the Police Department's FY2002/2003 budget. The city will transfer \$675,000 to the County to assist in funding Drug courts. Remaining funds will be spend for a variety of law enforcement purposes as needs are identified. There are no requirements for ongoing grant-related programs or expenses after the grant is terminated or expended.

Uberuaga/Bejarano/DJW

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A380-492.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-not present, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-107: Existing Water Meter Vaults Upgrade Phase I - Inviting Bids and Award of Contract.

(See memorandum from Mark Stone dated 6/12/2002.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-250) ADOPTED AS RESOLUTION R-297034

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of Existing Water Meter Vaults Upgrade-Phase I, on Work Order No. 020599;

Authorizing the City Manager to execute a contract with the lowest responsible and reliable bidder for this project, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the expenditure of an amount not to exceed \$370,054 from Water Fund No. 41500, Operations and Maintenance Budget - Existing Water Meter Vaults Upgrades, Phase I, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.
(BID-K03004C)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 6/26/2002, NR&C voted 5 to 0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer, and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

In calendar year 2000 the Water Department received correspondence from the State of California, Division of Occupational Safety and Health describing various underground meter vaults which were out of compliance with California Code of Regulations (CCR) Section 3277. The non compliance was caused by problems with the ladders used to enter the meter vaults as well as other maintenance issues. In order to comply with CCR Section 3277 the Water Department has initiated site investigations of all underground meter vaults to review their condition and develop a course of action to bring them into compliance.

At this time the Water Department has identified 124 underground meter vaults whose repair has been judged as a high priority item. The Department proposes to repair these vaults in the initial phase of a two phase effort. For this Phase I effort, the Water Department has elected to split the repair of these initial 124 vaults into two processes so that the department can take advantage of the newly created Minor Construction Program to assist small emerging businesses to obtain contracts with the City of San Diego. Ninety four (94) of the vaults will be advertised through

the City bid process and thirty (30) vaults will be processed through the Minor Construction Program. The repairs will primarily consist of repairing rusted or missing ladder rungs as well as increasing the diameter of undersized manhole covers.

The Department estimates that an additional 250 underground meter vaults will need to be repaired in Phase II of this project. We anticipate initiating Phase II in Fiscal Year 2003. It is the intent of the Water Department to use the Minor Construction Program to repair any meter vaults included in Phase II of this project.

FISCAL IMPACT:

The total estimated cost of Phase I is \$400,000, including construction and in house costs. Funding is available from the Water Revenue Fund 41500, Department 760, J.O. #020599, in Fiscal Year 2003.

Mendes/Gardner/AK

Aud. Cert. 2300002.

FILE LOCATION: W.O. 020599

COUNCIL ACTION: (Tape location: A380-492.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-not present, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-108: South Metro Downtown Tunnel Rehabilitation - Additional Project Costs.

(See memorandum from Scott Tulloch dated 7/24/2002. Centre City Community Area. District-2.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-265) ADOPTED AS RESOLUTION R-297035

Authorizing the City Manager to negotiate and execute Construction Change Order No. 6 to the South Metro Downtown Tunnel Rehabilitation, for an amount not to exceed \$330,000 with Sancon Technologies, Inc.;

Authorizing the City Manager to negotiate and execute Construction Change Order No. 7 to the South Metro Downtown Tunnel Rehabilitation, for an amount not to exceed \$210,000 with Sancon Technologies, Inc.;

Authorizing the City Manager to negotiate and execute Construction Change Order No. 10 to the South Metro Downtown Tunnel Rehabilitation, for an amount not to exceed \$400,000 with Sancon Technologies, Inc.;

Authorizing the City Auditor and Comptroller to transfer \$834,777 from Fund 41508, CIP-46-175.0, Point Loma Headworks, Odor Control, and Grit Processing to Fund 41508, CIP-45-941.0, South Metro Downtown Tunnel Rehabilitation;

Authorizing the expenditure of an amount not to exceed \$1,095,000 from Fund 41508, CIP-45-941.0, South Metro Downtown Tunnel Rehabilitation, solely and exclusively for Change Order Number 6, 7, and 10, and for additional project contingency provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves on advice of the administering department.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 7/31/2002, NR&C voted 4 to 0 to approve. (Councilmembers Wear, Frye, Madaffer, and Inzunza voted yea. Councilmember Peters not present.)

CITY MANAGER SUPPORTING INFORMATION:

The 84-inch diameter South Metro Downtown Tunnel has been in continuous operation since the early 1960s. As much as 60% of the total wastewater generated within the Southern San Diego region flows through this vital pipeline. This project provides for the rehabilitation of the existing tunnel, which runs from the intersection of 19TH and Commercial Avenue to the San Diego County Administration Center, underneath high rise office buildings. The original tunnel is over 40 years old. Over time, portions of the poly vinyl chloride (PVC) liner on the interior of the tunnel have delaminated from the concrete allowing sewer gases and bacteria to deteriorate the concrete and reinforcing steel. It is imperative that the concrete and liner be repaired to protect the integrity of the tunnel.

On October 16, 2000 the City Council authorized Resolution Number R-293970 to award a construction contract to Sancon Technologies, Incorporated for \$2,940,950, with an engineers

estimate of \$5,192,573, to perform this rehabilitation work. On November 5, 2001, City Council authorized Resolution Number R-295685 for \$849,704 for additional work. The South Metro Downtown Tunnel Rehabilitation Project is scheduled to complete construction in February 2003.

This request for funds is needed to fund additional repair work that was not included in the original scope of work. These repairs were not discovered until after workers were in the tunnel, the PVC liner was removed, and the true extent of the concrete deterioration could be investigated. This additional work consists of: (1) Change Order #6 in an amount not to exceed \$330,000 for the repair of an extensive, structurally deteriorated section of the tunnel, which grew in scope as the true extent of the corrosion was discovered.

This repair area is located 70 feet below ground level and the corrosion has left the tunnel exposed and vulnerable. This repair is critical to restoring the integrity of the tunnel; (2) Change Order #7 in an amount not to exceed \$210,000 is another extensive, structural repair similar to Change Order #6, differing in location and severity of corrosion; (3) Change Order #10 in an amount not to exceed \$400,000 to grout a three hundred foot section of the tunnel, which is located under the groundwater table. This grouting is needed to stop groundwater inflow into the tunnel which is causing delaminating of the liner; and (4) Funding for repair of additional deteriorated tunnel sections that may be discovered during construction operations (\$155,000).

FISCAL IMPACT:

The total cost of this action is \$1,095,000. Funding in the amount of \$1,095,000 is available from Fund 41508 CIP-45-941.0, South Metro Downtown Tunnel Rehabilitation.

Mendes/Tulloch/JMM

Aud. Cert. 2300166.

FILE LOCATION: CONT-Sancon Technologies Inc.; W.O. 175794

COUNCIL ACTION: (Tape location: A380-492.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-not present, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-yea, Frye-not present, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-109: First San Diego River Improvement Project (FSDRIP) Natural Resource Management Plan.

(See City Manager Report CMR-02-079 and Natural Resource Management Plan. Mission Valley Community Area. District-6.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2002-1148) RETURNED TO THE CITY MANAGER

Approving the First San Diego River Improvement Project (FSDRIP) Natural Resource Management Plan dated September 2001.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 4/3/2002, NR&C voted 5 to 0 to adopt the FSDRIP Natural Resource Management Plan with proposed changes before going to the full City Council. (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B398-593.)

MOTION BY WEAR TO RETURN THIS ITEM TO THE CITY MANAGER AT THE REQUEST OF MAYOR MURPHY TO WORK OUT THE LEGAL ISSUES SURROUNDING THE FINANCIAL RESPONSIBILITY. Second by Maienschein. Passed by the following vote: Peters-not present, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-110: Allen Shur Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-323) ADOPTED AS RESOLUTION R-297036

Proclaiming Saturday, September 14, 2002 to be "Allen Shur Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A380-492.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-not present, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-111: Michael D'Antuono Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-324) ADOPTED AS RESOLUTION R-297037

Proclaiming Saturday, September 14, 2002 to be "Michael D'Antuono Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A380-492.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-not present, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-112: Workforce Development Month.

DEPUTY MAYOR STEVENS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-328) ADOPTED AS RESOLUTION R-297038

Commending Workforce Development for their important role of workforce development in ensuring that San Diego County's economy remains prosperous and vibrant;

Proclaiming the month of September 2002 to be "Workforce Development Month" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A380-492.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-not present, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-113: Excusing Councilmember Ralph Inzunza from 8/07/2002 PS&NS Meeting.

COUNCILMEMBER INZUNZA'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-313) ADOPTED AS RESOLUTION R-297039

Excusing Councilmember Ralph Inzunza from attending the regularly scheduled Public Safety and Neighborhood Services Committee meeting on August 7, 2002, due to a medical emergency.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A380-492.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-not present, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-150: Four actions related to Adoption of the 2001 California Building Codes and Fire Code and Associated Municipal Code Amendments.

(See City Manager Report CMR-02-177, memorandums from Isam Hasenin dated 7/29/2002 and David Thompson dated 7/30/2002 .)

TODAY'S ACTIONS ARE:

Introduce the following ordinances:

Subitem-A: (O-2003-50) INTRODUCED, TO BE ADOPTED ON
TUESDAY, SEPTEMBER 24, 2002

Introduction of an Ordinance amending Chapter 11, Article 1, Division 2, of the San Diego Municipal Code by amending Section 111.0207; amending Chapter 12, Article 9, Division 1, by amending Sections 129.0104 and 129.0113; Division 2, by amending Sections 129.0203 and 129.0214; Division 5, by amending Section

129.0503; amending Chapter 14, Article 5, Division 1, by amending Sections 145.0101, 145.0103, 145.0104, 145.0105, 145.0106, and 145.0107; Division 2, by amending Sections 145.0201, 145.0202, 145.0203, 145.0204, 145.0205, and 145.0207; Division 4, by amending Sections 145.0404, 145.0405, 145.0406, 145.0407, 145.0408, 145.0409, 145.0410, 145.0411, 145.0412, 145.0415, and 145.0426, all pertaining to Building Regulations.

Subitem-B: (O-2003-51) INTRODUCED, TO BE ADOPTED ON
TUESDAY, SEPTEMBER 24, 2002

Introduction of an Ordinance amending Chapter 5, Article 5, Division 1, of the San Diego Municipal Code by amending Sections 55.0101 and 55.0103; Division 9, by amending Sections 55.0901, 55.0902 and 55.0903; Division 10, by adding Section 55.1001, and amending Section 55.1003; Division 25, by amending Section 55.2501; Division 77, by amending Section 55.7701; Division 78, by amending Section 55.7802; Division 81, by amending Section 55.8102; Division 91, by amending Section 55.9101; Division 92, by amending Section 55.9201, all pertaining to Fire Regulations.

Subitem-C: (O-2003-52) INTRODUCED, TO BE ADOPTED ON
TUESDAY, SEPTEMBER 24, 2002

Introduction of an Ordinance amending Chapter 12, Article 9, Division 3, of the San Diego Municipal Code, by amending Section 129.0303; amending Chapter 14, Article 6, Division 1, by amending Sections 146.0102, 146.0103, 146.0104, 146.0105, and 146.0106; amending Division 2, by amending Sections 146.0202, 146.0203, and 146.0204, by repealing Sections 146.0206, 146.0207, 146.0208 and 146.0210, and by renumbering Section 146.0209 to Section 146.0206, all pertaining to Electrical Regulations.

Subitem-D: (O-2003-53) INTRODUCED, TO BE ADOPTED ON
TUESDAY, SEPTEMBER 24, 2002

Introduction of an Ordinance amending Chapter 12, Article 9, Division 4, of the San Diego Municipal Code by amending Sections 129.0404 and 129.0413; amending Chapter 14, Article 7, Division 1, by amending Sections 147.0102, 147.0103, 147.0104, 147.0105, 147.0106, and 147.0107 and Division 4, by amending Section 147.0403, all pertaining to Plumbing and Mechanical Regulations.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 7/31/2002, LU&H voted 4 to 0 to approve the City Manager's recommendation, including the proposed deletions in Isam Hasenin's July 29, 2002 memo, and, further, made a referral to the City Manager to report to the Rules, Finance and Intergovernmental Relations Committee on the possibility of seeking State legislation to allow local adoption of portions of the International Residential Code pertaining to the permitting of townhouses. The Committee also requested that staff provide information on the fiscal impact of construction permit fees, as well as the impact of the time delays necessary to secure construction permits and to be inspected by Development Services inspection staff. The committee voted to delete a proposed Municipal Code amendment to Section 129.0203 (a) which adds permit exemption item 21 (and similar amendments to Sections 147.0107 and 129.0303) exempting work done by employees of the City on city-owned or leased buildings from construction permits. There was discussion about the permit exemption and a proposal that work done by City forces should go through the same process as work done by private sector forces. (Councilmembers Wear, Stevens, Maienschein and Frye voted yea. Councilmember Peters not present.)

FILE LOCATION: SUBITEMS A, B, C, D: NONE

COUNCIL ACTION: (Tape location: B075-386.)

MOTION BY ATKINS TO INTRODUCE THE ORDINANCES AND TO RETAIN THE EXEMPTION FROM THE BUILDING PERMITS FOR WORK PERFORMED BY CITY FORCES BY CITY-OWNED OR LEASED PROPERTY. Second by Stevens. Passed by the following vote: Peters-not present, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-151: Advertise and Award of General Requirements Contract 2002A - General Engineering Contract.

(See memorandum from Scott Tulloch dated 6/19/2002.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-222) ADOPTED AS AMENDED AS RESOLUTION R-297040

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for General Requirements Contract 2002 A - General Engineering on Job Order No. 461190;

Authorizing the City Manager to execute a contract with the lowest responsible and reliable bidder for as-needed construction services for a \$50,000 minimum, not to exceed the value of \$5,000,000 and a contract duration of two years, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for expenditure under the contracts are, or will be, on deposit in the City Treasury;

Authorizing the expenditure of an amount not to exceed \$5,000,000 from Fund Nos. 41506 and 41508 to provide funds for the General Requirements Contract 2002 A - General Engineering, and related contingencies, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves on advice of the administering department.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 6/26/2002, NR&C voted 3 to 1 to approve. (Councilmembers Wear, Frye and Inzunza voted yea. Councilmember Madaffer voted nay. Councilmember Peters not present.)

CITY MANAGER SUPPORTING INFORMATION:

For the last seven years, the City has successfully entered into General Requirements Contracts, formerly referred to as Job Order Contracts (JOC) with various contractors. The main objective of the General Requirements Contract is to execute maintenance, repair, and repetitive work and small, straightforward general engineering construction projects.

MWWD presently has a JOC contract for an amount up to \$8,000,000. This contractor has completed \$1.7 million of work to date; however, due to current concerns with the performance of this General Requirements Contractor, MWWD is closing out this contract and is seeking approval to advertise and award three new contracts. It is recommended that, instead of issuing one large \$8 million contract for a broad range of engineering specialties, the contract be broken into three separate packages: 2002A - General Engineering; 2002B - Building Modifications, and 2002C - Mechanical Systems. This action is for approval to advertise and award the General Requirements Contract 2002A - General Engineering in an amount not to exceed \$5,000,000.

Each General Requirements Contract is competitively procured. The contractor bids a factor or multiplier which is applied to all of the unit prices in a unit price book, which is part of the contract documents. The contractor with the lowest factor and a responsive, responsible bid is awarded the contract. The City is under no obligation to pay the contractor any more than a \$50,000 minimum contract obligation, and, therefore the contractor has an incentive to deliver quality work in a timely fashion in order to get additional work.

The specific tasks to be executed under this contract have not been identified. All tasks are executed in accordance with the California "Subletting and Subcontracting Fair Practices Act" (Public Contract Code Section 4100 ET AL). Under this contracting system, a contractor that conducts or participates in bid shopping or bid peddling shall not receive any additional tasks under this contract and such conduct shall be grounds for default by the City. The continuation of the General Requirements Contract will enable the Metropolitan Wastewater Department to achieve its objective of rapidly engaging contractors in critical and necessary work while lowering costs.

FISCAL IMPACT:

The total authorized to expend is \$5,000,000. Funds for this purpose are available in the Fiscal Year 2003 Budget.

Mendes/Tulloch/LS

Aud. Cert. 2300071.

FILE LOCATION: W.O. 461190

COUNCIL ACTION: (Tape location: A561-B056.)

MOTION BY MADAFFER TO ADOPT THE RESOLUTION AS AMENDED TO ADVERTISE THE CONTRACT AND TO COME BACK TO COUNCIL FOR THE SELECTION OF THE CONTRACTOR. Second by Stevens. Passed by the following vote: Peters-not present, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-200: Two actions related to State Water Resources Control Board - Low Interest Loan - Point Loma Fourth Sludge Pump Modification Project.

CITY MANAGER'S RECOMMENDATION:

Introduce the ordinance in Subitem A and adopt the resolution in Subitem B:

Subitem-A: (O-2003-55) INTRODUCED, TO BE ADOPTED ON
TUESDAY, SEPTEMBER 24, 2002

Introduction of an Ordinance authorizing the City Manager and his duly designated representatives to apply for, enter into, conduct all negotiations for, and execute and comply with all loan requirements regarding matching funding to

fund zero-interest SRF loans, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the necessary matching funds are, or will be, on deposit in the City Treasury;

Authorizing the City Manager or his duly authorized representatives to enter into specified SRF loans for the Point Loma Fourth Sludge Pump Modifications Project, CIP-41-925.0, in an amount not to exceed \$3,900,000;

Designating the Net System Revenue (as defined in the Master Installment Purchase Agreement, dated as of September 1, 1993, between the City and the Public Facilities Financing Authority of the City of San Diego, as originally executed and as it may from time to time be amended or supplemented in accordance with the provisions thereof) as the dedicated source of funds for repayment of the SRF loans made by the SWRCB, and shall remain so until such time as the loans are fully repaid, unless change of such dedication is approved by the SWRCB;

Declaring that the City Manager or his duly designated representatives may execute the documents for the loans.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

Subitem-B: (R-2003-269 Cor. Copy) ADOPTED AS RESOLUTION R-297041

Providing the necessary State matches in the amount of \$700,000 for the Point Loma Fourth Sludge Pump Modifications Project, SRF Loan Number C-06-4786-110;

Providing the State match for administrative fee in an amount not to exceed 0.575 percent of the eligible project cost, if requested, provided the Auditor and Comptroller first furnishes one or more certificates demonstrating that the necessary matching funds are, or will be, on deposit in the City Treasury;

Establishing a match account for the project and deposits sufficient funds to make State match payments to contractors on the project;

Providing certification with progress payments certifying that payment has been made to contractors on the projects;

Providing copies of canceled checks to the State Water Resources Control Board documenting payments.

CITY MANAGER SUPPORTING INFORMATION:

The State Water Resources Control Board's State Revolving Fund (SRF) is a low interest loan program that allows municipalities and wastewater agencies to obtain loans for construction of wastewater capital projects. Currently, the City has contracted and/or approved with the State for ten loans in an amount totaling approximately \$110 million. Of the various loan programs, the City has elected to participate in the "zero/low" interest program. This program is comprised of Federal and State funds. The participating municipalities have the option to pay the State's share of the loan (16.7%) in return for a zero- interest, thereby allowing the State to have more funds available for other applicants. The "zero-interest" is applied over the loan repayment period of 20 years. The savings are significant when compared to traditional bond funding of capital projects.

In order to obtain these loans, the State requires certain authorizations and compliance from the City. The first of which is authorization for the City Manager or his designated representative to enter into the loans and oversee matters related to loan administration, as well as to certify that the City has funds necessary to construct a project. The second is a resolution certifying that the City will provide the State match and administrative fee, if requested, by establishing an account for this purpose and providing required documentation to the State as part of the administration of the loans. With exception of a change to reflect that the City Manager has designated more than one duly designated representative from the Manager's staff and project specific information, the requested ordinance and resolution for the Point Loma Fourth Sludge Pump Modification is the same as for previous projects authorized by the City Council to obtain low interest loans. This project will install a forth sludge pump to the current three pump system. It will also add a sixth sludge screen, related process controls and equipment, and additional piping for better ease of maintenance.

The loan amount for this project is expected to be \$3,900,000.

FISCAL IMPACT:

Matching funds are available in CIP-41-925.0 budgets and are included in the Wastewater Financing Plan / Rate Case.

Mendes/Tulloch/RJE

FILE LOCATION:

SUBITEM A: NONE
SUBITEM B: MEET

COUNCIL ACTION:

(Tape location: B061-063.)

MOTION BY ATKINS TO INTRODUCE THE ORDINANCE AND TO ADOPT THE RESOLUTION. Second by Stevens. Passed by the following vote: Peters-not present, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-201: Marketing Partnership Agreement with General Motors.

(See City Manager Report CMR-02-194.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-149 Cor. Copy) RETURNED TO THE CITY MANAGER

Authorizing the City Manager to execute a Marketing Partnership Agreement with General Motors, for the use of vehicles for the lifeguard services fleet and general City purposes.

Aud. Cert. 2300067.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A042-058.)

MOTION BY MADAFFER TO RETURN THIS ITEM TO THE CITY MANAGER AT HIS REQUEST TO WORK OUT ADMINISTRATIVE ISSUES AND DETAILS BEFORE COUNCIL CONSIDERATION. Second by Atkins. Passed by the following vote: Peters-not present, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-not present, Frye-not present, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-250: **Notice** of Pending Final Map Approval.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled "Hollywood and Vine," a copy of which is available for public viewing at the office of the San Diego City Clerk. Said project is located southeasterly of Del Mar Mesa Road and Carmel Country Road in the Del Mar Mesa Community Plan area in Council District 1. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

(1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.

(2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.

(3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed.

Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 3:30 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B573.)